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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/585,009 06/01/00 SMITH

K 163.1269US01

EXAMINER

IM22/0913

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MINNEAPOLIS MN 55402-0903

DOLIVON, I

ART UNIT

PAPER NUMBER

1751

DATE MAILED:

09/13/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

## Office Action Summary

Application No.

09/585,009

Applicant(s)

SMITH ET AL.

Examiner

Lorna M. Douyon

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

***Claim Rejections - 35 USC § 112***

1. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 5, line 2, the phrase “the hydrated inorganic component” lacks support with respect to claim 1.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-7, 9-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Scepanski (US Patent No. 5,670,473).

Scepanski teaches a method for forming solid cleaning agents which comprises mixing at least about 15% by weight of hydrated forms of salts in the form of a melt with additional ingredients which is selected from the group consisting of nonionic surfactants, anionic surfactants, alkaline builders, cationic emulsifiers, active cleaning enzymes, oxygenated solvents, fragrances, optical brighteners and colorants; pouring the melted composition into a receptacle and cooling to form a solid cleaning composition (see col. 3, lines 27-43). The enzymes include protease and cellulase in concentrations between 0 and 20 % by weight (see col. 10, lines 19-51).

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Cationic emulsifiers include isodecyloxypropyl dihydroxyethyl methyl ammonium chloride in concentrations between 0 and 10% by weight (see col. 8, lines 8-15). Scepanki teaches the recited method and compositions in Examples 1-10 (see col. 11, line 37 to col. 12, line 57). Scepanski teaches sodium metasilicate pentahydrate as the hydrated salt in Table 2, and trisodium phosphate dodecahydrate as the hydrated salt in Table 3. In Table 2, Material 3, Scepanski teaches a 13:1 ratio of hydrated salt to surfactant and also teaches ethylene glycol monobutyl ether (which is butoxy ethanol) in Table 3. Scepanski teaches the limitations of the instant claims. Hence, Scepanski anticipates the claims.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scepanski as applied to the above claims, and further in view of Lentsch et al. (US Patent No. 6,177,392).

Scepanski teaches the features as described above. Scepanski, however, fails to disclose an extruding step for preparing the solid cleaning agent.

Lentsch teaches the equivalency of casting and extruding steps in preparing a similar solid block detergent composition (see col. 9, lines 39-40).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the casting step of Scepanski with extruding step because the substitution of art recognized equivalents as shown by Lentsch is within the level of ordinary skill in the art.

6. The prior art made of record and not relied upon is pertinent to applicants' disclosure. These references are cumulative to or less material than those discussed above.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (703) 305 3773. The examiner can normally be reached on Mondays-Fridays from 8:00AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (703) 308 4708. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305 7718 for regular communications and (703) 305 3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 0661.

*Lorna M. Douyon*  
Lorna M. Douyon  
Primary Examiner  
Art Unit 1751

LMD  
September 10, 2001